

MEMORANDUM OF AGREEMENT  
BETWEEN  
THE STATE OF COLORADO  
AND  
THE REGION VIII OFFICE OF  
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
FOR ADMINISTRATION OF THE RCRA HAZARDOUS WASTE PROGRAM

**I. PURPOSE AND SCOPE**

This Memorandum of Agreement (agreement) is entered into by the Colorado Department of Public Health and Environment (the Department) and the U.S. Environmental Protection Agency, Region VIII (EPA) to establish responsibilities and procedures for the administration of the Hazardous Waste Program (program) in Colorado. The Department has been authorized to administer the program under Section 3006 of the Resource Conservation and Recovery Act (RCRA) of 1976 (42 U.S.C. 6901 *et seq.*), and this agreement has been developed pursuant to 40 CFR. 271.8 to address the full range of program activities. (For purposes of this agreement, references to "RCRA" include the Hazardous and Solid Waste Amendments of 1984 (HSWA) (P.L. 98-616).)

More specifically, this agreement sets forth the manner in which the Hazardous Materials and Waste Management Division (Division) of the Department and EPA will coordinate and communicate in the Division's administration and enforcement of the federally authorized Colorado program, and in EPA's administration and enforcement of the provisions of the Hazardous and Solid Waste Amendments (HSWA) for which the state is not yet authorized. The agreement addresses the full scope of the RCRA program, including these elements:

- Hazardous Waste Minimization - minimizing the generation of hazardous wastes;
- Permitting Program - safely managing wastes with appropriate controls;
- Corrective Action - cleaning up sites where releases have occurred; and,
- Compliance Assurance - compliance assistance, inspections and enforcement.

The signatories to this agreement are the Executive Director of the Colorado Department of Public Health and the Environment (Director), the Director of the Hazardous Materials and Waste Management Division (Division Director) of the Colorado Department of Public Health and the Environment, and the Regional Administrator, EPA, Region VIII (Regional Administrator). This agreement shall become effective on the date when signed by the last party to the agreement.

The parties will review the agreement jointly at least once a year. This agreement may be modified upon the initiative of either party for any purpose mutually agreed upon. Disputes regarding modification of this agreement shall be elevated appropriately within each organization promptly. Any revisions or modifications to this agreement must be in writing and must be signed by the Director, the Division Director, and the Regional Administrator. This agreement will remain in effect for as long as the Division's program authorization remains effective.

## **II. ROLES, RESPONSIBILITIES, AUTHORITIES**

Each of the parties to this agreement is responsible for ensuring that its obligations under RCRA are met. Nothing in this agreement shall be construed to restrict in any way EPA's authority to fulfill its program administration, enforcement and oversight responsibilities under RCRA, or the Division's authority to fulfill its responsibilities under federal and Colorado law. Nothing in this agreement may override any provision of 40 CFR Part 271.

### **A. STATE**

The Division assumes primary responsibility for implementing the authorized provisions of the RCRA hazardous waste program and the authorized provisions of HSWA within Colorado's borders, except in Indian country (as defined at 28 U.S.C. 1151). Under Section 3006(b) of RCRA, once authorization takes place, state regulations replace federal regulations as the controlling body of regulations for administration of the program in that state.

The Division agrees to implement the RCRA program in a manner that is consistent with the regulations, policies, and guidance of the national program. When the Division develops its own regulations, policies, and guidance, it will consult with EPA to ensure consistency with the national program.

### **B. EPA**

EPA retains its authority to ensure full and faithful execution of the requirements of the program, including implementation of any HSWA requirements for which the Division is not authorized, and full implementation of the program in Indian Country. EPA has the authority to bring its own enforcement action, but must enforce the federally authorized state regulations for violations of the authorized program.

EPA also oversees implementation of the authorized program by the Division to ensure adequate implementation of the authorized program and appropriate expenditure of federal grant funds. Sections VII and IX of this agreement present more detail on the oversight process.

EPA agrees to consult with the Division when developing regional policies and guidance for the program.

#### **C. OVERLAPPING AND MUTUALLY EXCLUSIVE AUTHORITIES**

Under Section 3006(g) of RCRA, hazardous waste requirements and prohibitions promulgated pursuant to HSWA are immediately applicable in all states, and EPA retains primary authority to administer these requirements in each state until that state receives authorization to implement those HSWA provisions. Colorado has independent state statutory authority to promulgate and enforce regulations that resemble or are identical to the HSWA provisions, regardless of whether the state is authorized for the HSWA provisions.

As a result, the agencies' authorities governing a facility may overlap or be mutually exclusive. Where that happens, the Division and EPA agree that their staffs will cooperate to ensure effective and efficient program implementation. Specific roles and activities may be determined on a case-by-case basis.

#### **D. OTHER FEDERAL LAWS THAT MAY APPLY**

EPA retains responsibility for administration and enforcement of other federal laws that may apply to the implementation of the program, particularly to the issuance of permits (see 40 CFR. 270.3). EPA and the Division agree to coordinate to the greatest degree possible on any permit actions to which the following laws may apply: The Wild and Scenic Rivers Act, 16 U.S.C. 1273, et seq.; the National Historic Preservation Act of 1966, 16 U.S.C. 470, et seq.; the Endangered Species Act of 1966, 16 U.S.C. 1531, et seq. (including the consultation provision of section 7); the Coastal Zone Management Act, 16 U.S.C. 1451, et seq.; and the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq.

The Division agrees, as resources allow, to assist EPA in identifying potential conflicts regarding federal requirements of the acts listed above, and to help EPA fulfill its obligations (if any) during program implementation.

### **III. PROGRAM MANAGEMENT**

The Division and EPA agree to a joint strategic planning process to ensure that the program is administered in an effective manner. This process will include development and consideration of state, regional, and national program goals and objectives. The goals and objectives will be based upon the Division's priorities and experiences in administering the program, EPA Region VIII priorities, and any applicable national guidance, policies, and regulations. The goals and objectives will serve to identify those activities which should

receive the highest priority in administering the program in Colorado, and these will be presented in the Colorado Environmental Performance Partnership Agreement (CEPPA).

The agencies will also develop criteria or standards as needed to document achievement of program goals. These criteria will form the basis for oversight of the program by EPA (see section IX).

#### **IV. HAZARDOUS WASTE MINIMIZATION**

The Hazardous Waste Minimization program element is EPA's "strategy of first choice," and places emphasis on source reduction and recycling as waste management strategies to reduce waste and prevent transfers of hazardous chemicals from one medium to another. More specifically, the national RCRA program has developed goals that, by 2005, the most persistent, bioaccumulative, and toxic (PBT) chemicals in hazardous waste streams will be reduced by 50% (as compared with a baseline year of 1991), and safe recycling of hazardous waste will increase by 25% (relative to the amount safely recycled in 1993).

EPA agrees to provide the Division with technical assistance in identifying chemicals, waste streams, industry sectors, and specific facilities where opportunities are greatest to achieve PBT reductions. The State agrees to make use of this information as appropriate and focus waste minimization resources, when possible, in ways that support the achievement of the national goals.

#### **V. PERMITTING, CLOSURE, POST-CLOSURE**

The "permitting program" in RCRA includes the closure and post-closure functions for treatment, storage, and disposal facilities (TSDFs) that are ceasing operations, and the operating permit function for TSDFs that are continuing to operate.

##### **A. STATE PERMITTING**

Because it is authorized under RCRA, the Division has the primary role in issuing, modifying and/or reissuing all permits, and in approving and verifying all closure or post-closure activities in accordance with program requirements. The Division agrees to focus resources on issuing permits or other approved controls for those TSDFs identified as needing such controls as of October 1, 1997 (Permits Baseline Universe).

The Division agrees to review all hazardous waste permits issued by EPA prior to the Division receiving authorization for the provisions in those permits, and to modify or revoke and reissue such permits as appropriate. The Division will enforce any EPA-issued permits pursuant to its authority under C.R.S. 25-15-303(3).

The Division agrees to include as permit conditions, explicitly or by reference, all applicable provisions of 6 CCR 1007-3, Parts 264, 266, 267, 268 and 100, and according to the authorized program description.

The Division will consider all EPA comments on permit applications and draft permits. Pursuant to 40 C.F.R. §271.19(d), the Division will satisfy or refute EPA's concerns on a particular permit application, proposed permit modification, or draft permit in writing before issuing the permit or making the modification.

#### **B. EPA PERMITTING**

EPA is responsible for issuing permits for those activities of the program where the Division is not yet authorized, and in Indian country. This includes new permits, permit renewals, and permit modifications.

Except as provided for in other sections of this agreement, EPA will transfer to the Division administration of all permits it has issued to hazardous waste TSDFs in Colorado upon authorization for the provisions in those permits. State law, C.R.S. 25-15-303(3), provides that any TSDF possessing a federal permit is deemed to possess an identical permit with the department.

#### **C. JOINT PERMITTING**

As noted in Section II.C., both parties have independent statutory authority to promulgate and administer program requirements, and both parties retain the authority to administer at least some of those requirements. Also, there may be situations where Colorado has promulgated requirements for which the Division has not yet been authorized. These factors may create situations where the two agencies have authorities that apply to the same facility in a manner that is either overlapping (similar or identical requirements that apply to the same TSDF) or mutually exclusive (different requirements that apply to the same TSDF).

Both agencies agree to implement a joint permitting process that addresses those situations where the agencies' authorities to administer the program at specific TSDFs are either overlapping or mutually exclusive. This process will ensure that the permit function of the program is administered in an efficient and effective manner, and will be applied on a case-by-case basis in a way that does not undermine the authorities of either agency. EPA will co-sign permits for those TSDFs where it retains authority under HSWA, and will retain that authority until the State obtains authorization for those provisions. Once the State is authorized, it will assume primary administration of those provisions of the permit.

#### **D. EPA OVERVIEW OF STATE PERMITS**

EPA may comment in writing on any draft permit or proposed permit modification, even if EPA commented on the permit application previously. EPA's comments will be made within forty-five days of receipt of the draft permit. Where EPA indicates in a comment that issuance, modification, reissuance, termination, or denial of the permit would be inconsistent with the approved State program, EPA shall include in its comments those conditions which the permit would include if it were issued by EPA. In exercising these authorities, EPA will observe the conditions established in 40 CFR 271.19.

### **VI. CORRECTIVE ACTION**

The corrective action element of the RCRA program addresses actual and potential releases of hazardous wastes and/or their constituents. Corrective action includes site assessment, investigation and remedial action, stabilization, and achievement of environmental indicators.

#### **A. STATE CORRECTIVE ACTION**

The Division is authorized for the corrective action provisions of HSWA, and has the primary role in assuring that corrective action is performed in accordance with State law. The Division reserves its right to implement and enforce the corrective action provisions of the state and federally-authorized program at all facilities. The Division will use its enforcement authorities and tools as appropriate to achieve compliance with corrective action requirements.

The Division agrees to focus resources on those facilities that are in the Corrective Action Baseline Universe or otherwise determined to be high priority. The primary focus at these facilities will be stabilization and achieving the environmental indicators.

The Division and EPA agree to pursue and implement streamlining of the corrective action process to reduce the time and effort required to achieve cleanup objectives. Continuing efforts will be made to minimize the procedural and administrative requirements associated with corrective action, while continuing to ensure that the program objectives are achieved.

#### **B. EPA CORRECTIVE ACTION**

EPA retains its statutory authority under Sections 3007, 3008, 7003, and 3013 of the Solid Waste Disposal Act, and may independently determine a need to exercise these authorities at facilities in Colorado. EPA may also use its authorities to directly manage corrective action at specific facilities in Colorado when such action is

requested by the Division. EPA will consult with the Division on these facilities, especially at the following key stages of the corrective action process:

- proposal of initial draft order to the facility;
- approval of clean up levels; and
- remedy selection

EPA may inspect EPA-lead facilities for corrective action purposes without prior notice to the Division. The Division retains its authority to inspect these facilities. The Division will provide seven (7) days advance notice to EPA prior to conducting compliance inspections at EPA-lead facilities, except in cases of imminent hazard to human health or the environment or other exigent circumstances, when the Division may shorten or waive the notice period.

## VII. COMPLIANCE ASSURANCE

The compliance assurance element of the hazardous waste program includes the compliance assistance, inspection, and enforcement functions. These functions are performed by both agencies as follows:

### A. STATE COMPLIANCE ASSURANCE

The Division, per its authorization, has the primary role in administering the compliance assurance element of the program. ~~In accordance with 40 CFR 271.15, the Division agrees to carry out a timely and effective program for monitoring compliance by generators, transporters, and facilities with applicable program requirements.~~

~~As part of this program, the State will conduct inspections to assess compliance with generator and transporter standards (including manifest requirements), facility standards, permit requirements, compliance schedules, and all other program requirements. Compliance monitoring activities and priorities will be specified in the Program Description, the CEPPA, and the annual inspection plan, and will be consistent with all applicable federal requirements.~~ Environmental data collection and analysis will be in accordance with the most recent approved Quality Management Plan for Analytical Data for Colorado, which is considered part of this agreement.

~~The Division agrees to provide to EPA an annual inspection plan no later than November 15<sup>th</sup> for each federal fiscal year. The plan will consider the full range of state and federal priorities in the statutes, EPA guidance, and the CEPPA. The Division will annually inspect all RCRA TSD facilities which are owned or operated~~

~~by the federal government.~~ The Division will give EPA an opportunity to participate in and/or conduct oversight on these inspections.

The Division agrees to take timely and appropriate enforcement action, as defined in EPA's 1996 Hazardous Waste Enforcement Response Policy (as may be revised), against all persons in violation of any program requirements. The Division will maintain procedures for receiving and ensuring proper consideration of information about violations submitted by the public or federal compliance inspectors.

The Division agrees to provide EPA with copies of reports and other information resulting from any compliance inspection, including any subsequent enforcement actions, when EPA requests such copies. When the compliance inspection was subject to a physical oversight inspection by EPA, the Division will provide the inspection report within 30 days of its completion. The Division agrees to retain all records for at least three years, unless there is an enforcement action pending. In that case, all records will be retained for three years after all terms of the enforcement action have been fully satisfied.

The Division agrees to provide EPA with a copy of all compliance orders, notices of violation, warning letters, and compliance advisories at the time the documents are transmitted to the violator. The Division agrees to maintain adequate written penalty assessment information and final settlement justification documentation for all final formal enforcement actions. EPA may review the Division's penalty assessment information at the Division's office.

#### **B. EPA COMPLIANCE ASSURANCE**

EPA retains its authority to conduct inspections and bring enforcement actions under Sections 3007, 3008, 3013, and 7003 of RCRA and any other applicable Federal statute. EPA may exercise its compliance assurance authorities against any person determined to be in violation of RCRA requirements. Nothing in this agreement shall restrict EPA's compliance monitoring and enforcement authority.

EPA may take enforcement action under Section 3008 of RCRA against a holder of a state-issued permit on the grounds that the permittee is not complying with a condition of that permit. EPA may also take enforcement action under Section 3008 against a holder of a state-issued permit on the grounds that the permittee is not complying with a condition that EPA, in commenting on that permit application or draft permit, stated was necessary to implement approved state program requirements, whether or not that condition was included in the final state-issued permit.

EPA and the Division will jointly inspect at all RCRA TSDFs owned or operated by state or local government on an annual basis. EPA will function as lead for these inspections, and will draft, for Division review and joint signature, an inspection



report that details all violations under both Colorado and federal hazardous waste regulations.

The following circumstances will generally form the basis for selection of EPA compliance assurance actions in Colorado:

- when EPA is requested orally or in writing by the Division;
- when an EPA Order or Consent Decree under RCRA has been violated;
- when EPA has primary authority for enforcement of federal requirements;
- when the Division is not authorized to take action or the Division's authority is limited;
- when the Division fails to take "timely and/or appropriate enforcement action";
- when the Division has initiated "timely and appropriate enforcement action" by referring a case to the Attorney General's office, but the Attorney General's office has not taken the required enforcement action in the required timeframe;
- cases involving issues that could establish legal precedent or in which federal involvement is needed to ensure national consistency;
- cases involving multi-state, multi-regional "national violators"; or,
- cases involving interstate pollution problems associated with watersheds, air basins, or other geographic units that cross state lines.

EPA agrees to coordinate with the Division in carrying out its compliance monitoring and enforcement responsibilities. More specifically, in accordance with 40 CFR 271.8, EPA agrees to:

- provide a basis for and coordinate with the Division in the selection of facilities for EPA inspection;
- allow the Division a reasonable opportunity to inspect a facility that EPA has reason to believe is not in compliance before EPA conducts such inspection;
- normally give the Division at least fifteen (15) days notice of the intent to inspect; and
- invite the Division to participate in EPA inspections.

Such communication between the agencies is intended to provide appropriate coverage of the RCRA-regulated universe and to avoid unnecessary duplication of effort. In case of an imminent hazard to human health and the environment or other exigent circumstances, EPA may shorten or waive the fifteen (15) day notice period.

In accordance with 3008(a)(2) of RCRA, EPA will notify the Division prior to issuing a compliance order or bringing an enforcement action under 3008(a). EPA also agrees to provide the Division with copies of reports and other information resulting from any compliance inspection and subsequent enforcement actions within thirty days of their completion. EPA also agrees to provide the Division with a copy of all compliance orders, notices of violation, warning letters, and civil complaints at the time the documents are transmitted to the violator.

#### **C. OVERSIGHT FOR COMPLIANCE ASSURANCE**

The goal of oversight for compliance assurance is to ensure a high quality program. EPA will evaluate the Division's compliance assurance performance based on the most recent and appropriate state, regional and national regulations, policies, and guidance, including: RCRA inspection and enforcement guidance documents, RCRA civil penalty policies, enforcement response policies, supplemental environmental projects policy, and economic benefit guidance. EPA will take into consideration the maximum penalty levels set forth in the authorized state program.

The frequency of EPA oversight and training inspections will be specified in the CEPPA. EPA will discuss on an annual basis with the Division the number or percentage of the Division's compliance inspections on which EPA will accompany the Division for oversight purposes.

Additional information on oversight is presented in Section IX of this agreement.

### **VIII. INFORMATION MANAGEMENT AND SHARING**

This section of the Agreement addresses how the agencies will manage and share information on the status and progress of the program. The Division and EPA both agree to make information available to each other in accordance with 40 CFR 271.17.

#### **A. STATE**

The Division, due to its authorization status, is the primary implementer of the program, and has many information management and sharing responsibilities. Chief among the Division's information management and sharing responsibilities are the following:

1. The Division Director agrees to inform EPA in advance of any proposed statutory or program changes which would affect the Division's ability to implement the authorized program. Program changes of concern include modifications of the Division's legal authorities (i.e., statutes, regulations, and judicial or legislative actions affecting those authorities) and modifications of resource levels (i.e., available or budgeted personnel and funds). The Division recognizes that program revisions that require EPA's authorization must be made in accordance with the provisions of 40 CFR 271.21.
2. The Division will maintain timely, accurate and complete information in the national electronic database that supports the principal elements of the program, particularly:
  - facility, unit and area information, including the legal and operating status of all hazardous waste process units;
  - closure, post-closure and operating permit event information;
  - corrective action event and status information, including the environmental indicators and supporting documentation; and
  - compliance monitoring and enforcement information, including all CM&E activities.

The Division agrees to enter all such electronic information into the national data base on an on-going basis whenever possible, but by no later than the 20<sup>th</sup> of the month after the month in which the activity occurred.

3. The Division agrees to assign RCRA identification numbers to all RCRA handlers (generators, transporters, and owners and operators of hazardous waste TSDFs) submitting notifications to the Division or to EPA. An exception to this is that EPA will work with the Division to assign RCRA identification numbers for any handlers located in Indian country.
4. The Division will submit the following information relating to permits and closure:
  - copies of each draft or final decision regarding variances, waivers, or delisting petitions, to be sent at the time the request is granted or denied;
  - all facility permit applications, revisions and additions, to be sent within fifteen (15) working days of receipt by the Division;
  - draft permits, proposed permit modifications, and public notices, to be sent within fifteen (15) working days of completion (i.e., transmittal to the applicant);

- final permit or permit modifications, to be sent within five (5) working days of completion; and,
  - copies of all interim status closure/post-closure plans, to be sent by the Division to EPA at the time of public notice.
5. The Division will submit copies of supporting documentation for all environmental indicator determinations.
  6. The Division will provide compliance assurance information as detailed in Section VII.A. of this agreement.
  7. The Division will submit a copy of the Colorado biennial report summarization by October 1 of each even numbered year.
  8. A copy of the annual update of the training plan will be submitted by October 30 of each year.
  9. The Division agrees to either provide, or allow EPA to review at the Division office, any pertinent information requested by the Regional Administrator or his or her designee within a mutually agreed upon timeframe, as necessary for EPA to carry out its oversight responsibilities.

#### **B. EPA**

EPA's primary role in information sharing is to provide the Division with timely and useful information to enhance the Colorado program.

1. EPA will keep the Division informed in a timely manner of the content and meaning of Federal statutes, regulations, guidelines, standards, policy decisions, directives, or other factors that affect the program. EPA will provide general and specific technical assistance to the Division. EPA will provide the Division with any national EPA reports developed regarding hazardous waste management.
2. EPA agrees to provide training and technical assistance in the operation and maintenance of the national database.
3. Under the joint permitting process (Section V.C.) EPA agrees to provide the Division with the following within five (5) working days of receipt or completion by EPA:
  - any Part A or Part B permit applications, and any necessary supporting information, whether received prior to or subsequent to the effective date of this agreement;

- copies of draft and final permits, permit modifications, and public notices; and,
  - notices of permit denials.
4. EPA agrees to make available to the Division compliance assurance information as provided in Section VII.B. of this agreement.
  5. EPA will forward delisting petitions from persons or companies operating in Colorado to the Division within ten (10) days of receiving them.
  6. EPA will forward notification information submitted by persons or companies in Colorado who file such forms. This information will be submitted to the Division within ten (10) days of receipt by EPA.
  7. EPA will make available to the Division, within thirty (30) days of receipt of a request from the Division, other relevant and available information needed by the Division to implement its approved program. Information provided to the Division will be subject to the terms of Colorado's Open Records law and 6 CCR 1007-3, Part 2, and any relevant federal statutes.

#### C. AVAILABILITY AND CONFIDENTIALITY OF INFORMATION

The following provisions apply to the availability and confidentiality of program information:

##### 1. *Availability of Information to the Public*

The Division agrees to make information available to the public in accordance with state Open Records law and 6 CCR 1007-3, Part 2.

EPA agrees to make information available to the public in accordance with federal requirements at 40 CFR Part 2.

##### 2. *Confidentiality*

If information has been submitted to the Division under a claim of confidentiality, the Division must note that claim to EPA when providing the information. Any information obtained from Colorado that is subject to a claim of confidentiality will be treated in accordance with 40 CFR Part 2.

If information has been submitted to EPA under a claim of confidentiality, EPA must note that claim to the Division when providing the information, and will transfer that information in accordance with the requirements of 40 CFR Part 2. EPA will notify the affected companies when such information is sent

to the State. Any information obtained from EPA and subject to a claim of confidentiality will be treated in accordance with the regulations in 6 CCR 1007-3, Part 2.

#### **D. SPECIAL SITUATIONS**

The following information sharing provisions apply to special situations:

##### **1. *Emergency Situations***

Upon receipt of any information that the handling, transportation, storage, treatment, or disposal of hazardous waste is endangering human health or the environment, the party in receipt of such information shall notify the other party to this agreement as soon as possible by telephone of the existence of such a situation. Notification to the state will be provided to the Division Director, Compliance Program Manager, Federal Facilities Program Manager, Compliance Coordinator, or a Unit Leader in the Compliance or Federal Facilities Program. Notification to EPA will be provided to a manager in either the Solid and Hazardous Waste Program or the Technical Enforcement Program, Region VIII.

##### **2. *Site Visits to Support the National RCRA Program***

EPA sometimes has need of site-specific information to fulfill its duties in developing and managing the national RCRA program. Whenever EPA determines that it needs to obtain certain information relating to hazardous waste management in Colorado, EPA will first seek to gain this information from the Division. The Division agrees to supply EPA with this information, if readily available and as resources allow. If the Division is unable to provide the information or if it is necessary to supplement the information, EPA may conduct a special survey or perform information collection site visits after notifying the Division and providing the Division the opportunity to accompany EPA personnel on such visits. EPA will share with the Division the data collected and any national reports developed by EPA resulting from the information collected.

#### **IX. PROGRAM REVIEW, OVERSIGHT**

EPA will assess the Division's administration and enforcement of the hazardous waste program on a continuing basis for equivalence and consistency with RCRA, this agreement, and all federal program requirements. The purpose of this oversight assessment will be to:

- ensure full execution of the requirements of the program as authorized;
- ensure that RCRA 3011 grant funds are spent appropriately;

- promote national standards as the minimum in implementation of the hazardous waste program;
- allow EPA to report to the President and Congress; and,
- encourage the state and EPA to coordinate on desirable technical support and targets for joint efforts.

EPA will conduct this assessment through review of information submitted by the Division in accordance with this agreement and the state grant requirements, and through review of the Division's program activities as described in the CEPPA. EPA may also consider, as part of this assessment, written comments about the Division's program administration that are received from regulated persons, the public, and federal, state, and local agencies. Copies of any such comments received by EPA will be provided to the Division Director or his appointee as soon as possible.

To ensure an effective program review, the Division Director agrees to allow EPA access to any information obtained or used in the administration of the State program, without restriction. EPA oversight file reviews shall be scheduled at reasonable intervals, with two weeks notice generally given prior to an oversight file review.

Program review meetings between the Director, Division Director, and the Regional Administrator or their assignees will be scheduled at least annually to review operating procedures and schedules, to resolve problems, to discuss mutual program concerns, and to review program needs for the upcoming year. These meetings will be scheduled at least thirty (30) days in advance unless otherwise agreed. A tentative agenda for the meeting will be prepared by EPA and provided to the Division Director fifteen (15) days in advance of the meeting.

## X. SIGNATURES

State of Colorado  
Department of Public Health and Environment

U.S. Environmental Protection Agency  
Region VIII

by:

(b) (6), (b) (7)(C)

Executive Director, Colorado Department of  
Public Health and Environment

Date: 8-22-00

(b) (6), (b) (7)(C)

Regional Administrator

Date: 9/11/00

by:

(b) (6), (b) (7)(C)

Director, Hazardous Materials and  
Waste Management Division

Date:

8-23-00



COLORADO/EPA  
HAZARDOUS WASTE PROGRAM  
TERMINATION OF ENFORCEMENT AGREEMENT

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This agreement is to formally terminate the Colorado/EPA Enforcement Agreement, 1986 Update. The reason for this termination is that all necessary and updated provisions have been incorporated into a newly revised Memorandum of Agreement being signed in August 2000. Paragraph VIII of the Enforcement Agreement specifies that a written agreement is necessary for termination.

The effective date of the termination of the Enforcement Agreement is the date upon which the last party signs the newly revised Memorandum of Agreement.

By:

(b) (6), (b) (7)(C)

Director, Hazardous Materials and  
Waste Management Division  
Colorado Department of Public  
Health and Environment

(b) (6), (b) (7)(C)

Assistant Regional Administrator  
Enforcement, Compliance  
and Environmental Justice  
U.S EPA, Region VIII

